

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nikolaos Soukos et al.                      Art Unit : Unknown  
Serial No. : 10/019,837                                      Examiner : Unknown  
Filed : November 9, 2001  
Title : PERMEABILIZING BIOFILMS

**BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 35 U.S.C. §116 AND 37 C.F.R. §1.47(a)

This petition under 35 U.S.C. §116 and 37 C.F.R. 1.47(a) is made on behalf of joint inventors Nikolaos S. Soukos and Apostolos G. Doukas, who seek to make this application on behalf of themselves and their joint inventor Shun Lee, who refuses to join in this application for patent because he is presently employed by the United States Patent and Trademark Office as a Patent Examiner. The last known address for Mr. Lee is as follows:

Shun Lee  
1600 S Eads Street, Apt. 617S  
Arlington, VA 22202

Submitted in support of this petition are the following documents:

1. A Combined Declaration and Power of Attorney signed by all of the available joint inventors with the signature block of the non-signing inventor left blank.
2. A check in the amount of \$130.00 in payment of the fee required under 37 CFR 1.17(h) for this petition.
3. A declaration under 37 CFR 1.47(a) documenting refusal by the joint inventor, Shun Lee, to join in this patent application, by J. Peter Fasse, the attorney handling the prosecution of the present patent application, a person knowledgeable with the actual facts.

09/13/2002 GFREY1 00000132 10019837

02 FC:122 130.00 DP

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL 948095497US

September 10, 2002  
Date of Deposit

Applicant : Nikolaos Soukos et al.  
Serial No. : 10/019,837  
Filed : November 9, 2001  
Page : 2

Attorney's Docket No.: 00786-421002 / MGH 1429.1

4. A declaration under 37 CFR 1.47(a) documenting refusal by the joint inventor, Shun Lee, to join in this patent application, by co-inventor Apostolos G. Doukas, a person knowledgeable with the actual facts.

Applicants request that they be given a filing date of November 9, 2001, in spite of the fact that Dr. Lee refuses to sign the Combined Declaration and Power of Attorney for this application because he is employed as a United States Patent Examiner.

Please contact the undersigned if additional information is required in connection with consideration of this Petition.

Please apply any additional charges, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 00786-412002.

Respectfully submitted,

Date: September 18, 2002

J. Peter Fasse  
J. Peter Fasse  
Reg. No. 32,983

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906